
UTAH LABOR COMMISSION

HOLLY HADFIELD,

Petitioner,

vs.

**DAVIS SCHOOL DISTRICT and
UTAH SCHOOL BOARDS RISK
MANAGEMENT ASSOCIATION,**

Respondents.

**ORDER AFFIRMING
ALJ'S DECISION**

Case No. 04-0410

Davis School District and its workers' compensation insurance carrier, Utah School Boards Risk Management Association (referred to jointly as "Davis" hereafter), ask the Utah Labor Commission to review Administrative Law Judge La Jeunesse's award of benefits to Holly Hadfield under the Utah Workers' Compensation Act, Title 34A, Chapter 2, Utah Code Annotated.

The Labor Commission exercises jurisdiction over this motion for review pursuant to Utah Code Annotated § 63-46b-12 and § 34A-2-801(3).

BACKGROUND AND ISSUE PRESENTED

Ms. Hadfield claims workers' compensation benefits for an injury to her right knee resulting from work accidents at Davis on February 21, 2002, and September 18, 2003. Judge La Jeunesse held an evidentiary hearing on Ms. Hadfield's claim and then awarded medical benefits and temporary total disability compensation to her.

In challenging Judge La Jeunesse's decision, Davis raises only one issue—whether Ms. Hadfield should be denied temporary disability compensation because she refused Davis's offer of light-duty work.

FINDINGS OF FACT

The Commission adopts Judge La Jeunesse's findings of fact, as supplemented by this decision. The facts relevant to Davis's motion for review are summarized below.

Ms. Hadfield worked 15 hours per week in Davis's school lunch program. She was involved in two accidents, on February 21, 2002, and September 18, 2003, and suffered various injuries, including traumatic right-knee chondromalacia of the patella with mild subluxation and possibly a torn meniscus.

After the second accident of September 2003, Ms. Hadfield's treating physician imposed

ORDER AFFIRMING ALJ'S DECISION
HOLLY HADFIELD
PAGE 2 OF 3

work restrictions that prevented Ms. Hadfield from performing her regular work duties. Davis informed Ms. Hadfield that it had light-duty work available that was consistent with her restrictions. Ms. Hadfield performed the first two of these light-duty assignments without any difficulties. She and was then assigned to a light-duty clerical position in Davis's architectural unit.

The architectural unit was located in a different building and, initially, Ms. Hadfield had difficulty finding the location on the first day of the new assignment. She then missed several days due to illness and pain from her right-knee injury. On other occasions, she was unable to obtain transportation to work. Davis concluded that Ms. Hadfield had abandoned her employment and stopped contacting Ms. Hadfield after late November 2003. However, Ms. Hadfield continued to deliver medical information and updates regarding her work restrictions to Davis on a regular basis. Finally, during January 2004, Davis notified Ms. Hadfield that her employment had been terminated on the grounds of job abandonment.

Ms. Hadfield's right-knee condition worsened. By July 29, 2004, her treating physician concluded that Ms. Hadfield could not work at all until she underwent arthroscopy. An impartial medical panel appointed by Judge La Jeunesse likewise concluded that Ms. Hadfield was not medically stable and would not reach stability until she received additional treatment for her knee.

DISCUSSION AND CONCLUSION OF LAW

Pursuant to § 34A-2-410 of the Utah Workers' Compensation Act, an injured worker is generally entitled to temporary total disability compensation from the date of accident until the healing period has ended. However, if the injured worker can perform light-duty work during the healing period, the employer may provide such work. The injured worker's temporary disability compensation will then be reduced to reflect the earnings from this light-duty work. In the event that an injured worker unreasonably refuses an offer of light-duty work, the injured worker's temporary disability compensation may be reduced accordingly. The only issue before the Commission in this case is whether Ms. Hadfield forfeited her right to temporary disability compensation by rejecting Davis's offer of light-duty work.

The circumstances surrounding Ms. Hadfield's failure to report for light-duty work at Davis are ambiguous. On one hand, Ms. Hadfield's attendance record was poor. However, the record establishes that Ms. Hadfield initially reported for and performed her light-duty assignments. Only later did she miss work due to transportation problems and illness, including problems with the knee that she injured at work. Her reports of right-knee problems are consistent with the medical evidence that the knee continued to deteriorate and ultimately prevented Ms. Hadfield from working in any capacity. There is also support in the record for Ms. Hadfield's claim of difficulty obtaining transportation. Finally, even after Davis stopped contacting Ms. Hadfield for light-duty work, Ms. Hadfield continued to update Davis regarding her medical condition and work restrictions. In summary, the Commission has considered all the evidence in this matter but is unable to conclude

ORDER AFFIRMING ALJ'S DECISION
HOLLY HADFIELD
PAGE 3 OF 3

that Ms. Hadfield unreasonably refused light-duty work. The Commission therefore concurs with Judge La Jeunesse's award of temporary total disability compensation to Ms. Hadfield.

ORDER

The Commission affirms Judge La Jeunesse's decision. It is so ordered.

Dated this 6th day of March, 2008.

Sherrie Hayashi
Utah Labor Commissioner

NOTICE OF APPEAL RIGHTS

Any party may ask the Labor Commission to reconsider this Order. Any such request for reconsideration must be received by the Labor Commission within 20 days of the date of this order. Alternatively, any party may appeal this order to the Utah Court of Appeals by filing a petition for review with the court. Any such petition for review must be received by the court within 30 days of the date of this order.